

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.) Case No. 18-00121-01-CR-W-HFS
)
RANDY WHITE)
)
Defendant.)

ORDER

A motion to suppress (Doc. 43) has been filed on a theory that an inventory search prior to towing was pretextual, as supported by incomplete property listings, suggesting that a search for incriminating evidence was the main purpose of the search. The Report and Recommendation rejects this theory.

After review of the hearing record and briefing (and in the absence of objections) I ACCEPT the Report and Recommendation. (Doc. 61). Most clearly, as discussed by Magistrate Judge Counts, any casualness in conducting the inventory search occurred after the discovery of the revolver, rather than before the discovery which might suggest the search was for contraband and was pretextual.

Having heard the Officer, the conclusion as to the purpose of the search is compellingly found by the Magistrate Judge.

The motion to suppress (Doc. 43) is therefore DENIED.

SO ORDERED.

/s/ Howard F. Sachs

HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

February 21, 2020

Kansas City, Missouri